

## REMARKS

As a preliminary matter, because the Examiner has merely repeated the same rejections from the previous Office Actions, and because the Examiner has not answered all of the meritorious arguments from Amendment E, filed November 30, 2005, all of the arguments from Amendment E (and previous responses) are incorporated by reference herein. Applicant again respectfully requests that the Examiner give full consideration to those arguments, and withdraw the outstanding rejections. A *prima facie* case of obviousness has not been established against the present invention.

With respect to the outstanding rejection of independent claims 1, 8, and 18 (as well as their respective dependent claims), the Examiner has still not cited to any support in the prior art of record that reasonably teaches or suggests the control blocks of the present invention. The Examiner expressly admits that both of the Halliday and Mellgren references fail to teach the present control blocks, and the Examiner again relies only upon the Judson reference, and more particularly, Judson's description of applets, as somehow being analogous to the control blocks of the present invention. Judson, however, does not actually teach or suggest that the applets include all of the recited features of the control blocks of the present invention, and "control blocks" are specifically defined in the present Specification in such a way that an applet could not be reasonably interpreted to be analogous.

Applicant does not dispute that Judson's applets "assist" in the delivery of banner advertisement content, or that they contain code and "fill in forms," as asserted by the Examiner. The claims of the present invention though, are not limited to only these features.

Claim 1 of the present invention, for example, actually recites that each of the control blocks has the functions of: (1) requesting and downloading the image information from the server; (2) requesting and downloading the display control program from the server; and (3) developing screens in memory based on image information which is downloaded by the control block itself. The Examiner has not cited to any description from Judson that all of these features and limitations are necessarily present with applets.

The Examiner only asserts that Judson's applets can download and "request" (through use of a hyperlink) image information. Even if this assertion were correct, it still fails to address all of the other recited features of the present invention relating to control blocks. For example, the Examiner does not assert that Judson's applets also have a function of requesting and downloading a display control program from the server. The display control program in the present invention is clearly recited to be both separate from the browser and downloaded from the server, and it is also the basis upon which the plurality of generated control blocks are also separate from the browser. All of these specific features of the present invention do not appear to have been given full consideration.

Other claimed limitations that have not been given full consideration are those that feature how the control blocks develop screens in the memory based on the image information downloaded by the control block itself. The Examiner has merely asserted that Judson's applets can collect and request information, but the Examiner has not cited to any teaching or suggestion from Judson that the applets can also themselves develop screens in the memory, and also that these memory screens are based upon image information

downloaded from the control block. Judson's applets would have to be affirmatively shown to have these capabilities as well to read upon the control blocks of the present invention. Judson, however, does not teach or suggest such additional capabilities for the applets.

Applicant does not dispute that applets may be used to collect and display image information. Judson, however, does not teach or suggest that the applets will, or even can, also develop entire screens containing image information in the memory. The "fill in forms" cited by the Examiner are not known to those skilled in the art to be stored in a memory as an entire image screen, and Judson does not teach or suggest such capabilities. Quite the contrary, it is known in the art that typically only the information actually filled in on the applet form would be saved to memory, and not the entire screen containing the information. It is known that information alone would be expected to occupy considerably less memory than an entire image screen. This knowledge in the art does not appear to have been given full consideration either.

The Examiner appears to have improperly attempted to shift the burden of consideration back onto Applicant by asserting that the claims do not specifically distinguish between applets and control blocks. As described above, this distinction is not necessary. The Examiner first has the burden to demonstrate where in the prior art it is taught or suggested that the claimed control block – and all of its recited limitations – reads upon the applets described by only Judson of the cited references. Judson, however, does not teach or suggest each and every one of these recited features and limitations of the present control blocks. Judson merely teaches that the applets are "information objects." The Examiner still

had the burden to demonstrate that the more generally described “information object” necessarily reads upon the present control blocks. As described above though, Judson’s “information objects” do not meet all of the limitations of the present claims.

Section 2111 of the MPEP requires the Examiner to give the pending claims their broadest reasonable interpretation when that interpretation is “consistent with the specification.” Section 2111.01 further mandates that the Examiner must consider the meaning of claim terms according to their clear definition in the Specification. In the present case, these requirements have not been met. “Control blocks” are clearly defined in the present Specification, and in such a way that one skilled in the art would not consider applets to be analogous or equivalent. The Specification clearly illustrates both control blocks and applets together (see Fig. 1), but only as separate and distinct elements from one another. The Examiner’s repeated assertion that applets are analogous to the present control blocks therefore directly contradicts the present Specification, and thus the requirements of Section 2111 as well. The present Specification is not ambiguous in this regard.

Fig. 1 of the present Application clearly shows that the control block 7 and the display control program 6 are different from the applet (JAVA) 5. Figs. 1 and 2 further illustrate how the display control program 6 itself – and not the applet 5 – has the function to operate in the client. (See accompanying text on page 8, lines 11-13). Fig. 1 unmistakably shows that the display control program 6 further separates the applet 5 from the control blocks 7, and that the applet is entirely contained within the browser 4, and that the applet may only interface with the control program within the confines of the browser. These

distinctions are highly significant with respect to the recited limitations of the present invention.

As discussed above, the present invention recites that the control blocks are separate from the browser. As shown in Fig. 1 of the present Specification though, applets are entirely contained within the browser. Judson even describes how its information objects are “embedded within the home page of the browser.” Judson simply does not teach or suggest that its applets are separate or independent from its browser, and therefore the Judson’s applets cannot read upon the present control blocks for at least these further reasons. The present rejection is, after all, based on obviousness, and not anticipation. No showing has been made that it would be obvious to one skilled in the art to try to operate Judson’s applets separately and independently from Judson’s browser.

Additionally, even if each and every claimed feature of the present invention had been identified in the cited prior art references, as required by Section 2143.03 of the MPEP, a *prima facie* of obviousness still has not been established. When combining references based on a theory of obviousness, merely identifying in the references the individual elements of the claims is not sufficient. Section 2143.01 additionally requires that the Examiner also identify the teachings or suggestions within the references that suggest the actual desirability of making the proposed combination. In other words, the Examiner may not merely assert that the references *can be* combined. The Examiner is required to demonstrate where the references themselves teach or suggest that they should be combined, and as proposed by the Examiner. These requirements, however, have not been satisfied.

On page 3 of the outstanding Office Action though, the Examiner merely asserts that “it would have been obvious to one of ordinary skill in the art at the time of the invention to apply Judson to Halliday, providing Halliday the benefits of applets for reducing the processing burden on the browser and client.” This statement, however, is entirely conclusory. It does not cite to any actual teaching or suggestion within the cited prior art itself that teaches or suggests the rationale. Without such citations to teachings in the art, or other knowledge well known in the art, either of which must be capable of objective review, the rationale expressed by the Examiner can only legally be based upon his own personal knowledge and/or opinion of the art, by definition.

The motivation for making the proposed combination, however, may not be based solely upon the personal opinion or knowledge of the Examiner. See In re Lee, 277 F.3d1338, 61 U.S.P.Q.2d 1430 (Fed. Cir. 2002). It must be supported by clear evidence on the record from the prior art that is capable of objective review. See id. The Examiner’s personal statement that he believes the references can be combined, without objective support, entirely fails to satisfy this burden. Whether or not the stated rationale for the motivation to combine the references is correct is irrelevant. Applicant has no way to objectively review or rebut the stated rationale because it does not cite with specificity the teachings from the prior art on which it is based. The stated rationale is therefore deficient on its face, thus rendering the *prima facie* case of obviousness equally deficient. Accordingly, for any and all of the above reasons, the rejection of independent claims 1, 8, and 18, as well as their respective dependent claims, should be withdrawn.

The repeated rejection of claims 11-17 based on the combination of Halliday, Mellgren, and Judson, and additionally Bretschneider, is equally deficient on its face for reasons similar to those discussed above. The Examiner has not cited to any actual teaching or suggestion within the references themselves for the desirability of making the proposed combination of all four references. The Examiner's response to the previous arguments does not appear to address this issue. The response also did not answer the substance of the other meritorious arguments provided in Amendment E, and somewhat mischaracterizes the arguments that were presented.

For example, on page 9 of the outstanding Office Action, the Examiner asserts that Applicant argued that "the cited art does not teach timing information." This assertion, however, is erroneous. What Applicant actually argued, and which the Examiner has never refuted, was that "none of the cited references teach or suggest the deletion timing information of the present invention that indicates a timing with which developed screens in the memory are to be deleted from the memory." (Emphasis added). Applicant never argued only that the references failed to teach timing information in general. Instead, Applicant argued that the references do not teach the present method of deleting information, and from the memory according to specific timing information. These particular features of the claims still have not been given full consideration.

Applicant has repeatedly argued, for example, how Bretschneider never teaches that image information is actually deleted from the memory. All of the portions of the reference cited by the Examiner only describe how the information is deleted from the

*display*, and not from the memory itself. The Examiner asserts that Bretschneider's images are "created and deleted...*from memory*...according to a predetermined time" (emphasis added), but none of the cited text from Bretschneider actually supports this statement. Bretschneider merely teaches that images appear and disappear from a display screen after a certain time, but nowhere suggests that the image information is also deleted from the memory apart from the display screen. In fact, the references themselves even teach away from such a conclusion.

Bretschneider clearly describes that the images displayed on the screen are related to standard slide show programs known in the art. Those skilled in the art are fully aware that such programs repeatedly display images from memory, but without actually deleting the images from the memory. If the Examiner's assertions regarding these slide show programs were correct, the necessary result would be that every image displayed in the slide show could be displayed only once, and then would have to be deleted from memory and never displayed again. This result would defeat the very purpose of the slide show program. The purpose of slide show programs is commonly known to be the display of picture images again and again, in a set or random order. Such pictures would be forever destroyed and lost though, once they are deleted from the memory. Bretschneider is simply not applicable to the present invention for at least these reasons. Because the Examiner has not even attempted to rebut these meritorious arguments, the rejection of claims 11-17 should also be withdrawn.

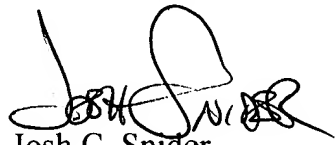


For all of the foregoing reasons, Applicant submits that this Application, including claims 1-6 and 8-19, is in condition for allowance, which is respectfully requested. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By

A handwritten signature in black ink, appearing to read "Josh C. Snider", with a stylized flourish at the end.

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